

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.2927 of 2005

Date of Decision : November 03, 2006.

Ranjit Kaur		Petitioner
Vs.		
Shinder Singh		Respondent

Coram : Hon'ble Mr.Justice P.S.Patwalia

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Present : Mr.Surender Dhull, Advocate
for the petitioner.

Mr.Vikas Sharma, Advocate
for the respondent.

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P.S.Patwalia, J. (Oral) :

The present revision petition has been filed challenging the order dated 4.2.2005 whereby the learned Additional District Judge, Rupnagar granted maintenance to the petitioner-wife at the rate of Rs.700/- per month from the date of filing of the application under Section 24 of the Hindu Marriage Act and also granted as litigation expenses a sum of Rs.2,000/-. I have heard Mr.Surender Dhull, learned counsel appearing for the petitioner and Mr.Vikas Sharma, learned counsel appearing for the respondent and also perused the paper book.

A reading of the order passed by the Additional District Judge, Rupnagar would show that in response to the application filed under Section 24, the respondent-husband had contended that since 2003, the petitioner-wife had left the matrimonial home. She had taken away Rs.10,000/- in cash, gold ornaments, costly clothes and luggage. In fact she was living in adultery with one Shri Vijay Kumar. It was contended that before the Women Cell of the local police at Kharar the petitioner had filed an affidavit that she was not willing to live with the respondent-husband. Even there she had given a wrong address. She had also wrongly stated that she was suffering from breast cancer but could not produce any medical evidence to prove the same. The respondent-husband has further stated that she had no love and affection for her children as well who are minor and are in the custody of respondent-husband. It is he who was giving them good education and bringing them up. After noticing all these facts the learned Additional District Judge, Rupnagar granted maintenance at the rate of Rs.700/- per month. It was also noted that the respondent-husband was working as a Class IV employee in P.G.I. and was earning approximately Rs.7,000/- per month.

During the course of hearing I had put to learned counsel for the petitioner as to whether the petitioner had made any application seeking custody or guardianship of her minor children. He replied in the negative stating that the children were living with the husband and were getting education there.

In view of the fact that the husband is earning approximately Rs.7,000/- per month I am of the opinion that the maintenance granted to the petitioner-wife should be marginally increased. Learned counsel for the respondent-husband states that the respondent has also to maintain his

mother as there is no other lady in the house to look after his two children. He has to spend a considerable amount for that also. He has further contended that the education today is very expensive and the respondent is barely able to make his ends meet. He therefore states that if at all the maintenance is to be increased, the increase should be minimal. He also submits that the enhancement should be applicable from 1.11.2006 onwards and the respondent-husband should not be burdened with arrears. On a consideration of the facts of this case I am of the opinion that the maintenance as granted by the learned Additional District Judge, Rupnagar should be increased to Rs.1,000/- per month. However the increase will be applicable from 1.11.2006 onwards.

The order of the learned Additional District Judge, Rupnagar is accordingly modified and the present revision petition is disposed of.

November 03, 2006

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(P.S.Patwalia)
Judge